

TOWN OF HARPSWELL
Insect Growth Regulator and Insecticide
Application Control Ordinance

Enacted May 20, 2004

Section 1. Purpose

Scientific studies have shown that certain Insect Growth Regulators and insecticides adversely affect aquatic invertebrates, especially molting shellfish such as lobsters and crabs. In addition to harming shellfish, these chemicals may interfere with beneficial insect species such as honeybees and lepidopteran pollinators. The Town of Harpswell is comprised of over 200 miles of coastline, numerous islands and narrow peninsulas such that discharges and runoff from inland areas are extremely close to coastal waters. The purpose of this Ordinance is to establish regulations that will aid the Town in protecting and maintaining the health of its shellfish resources and marine environment.

Section 2. Definitions

“Insect Growth Regulator” means any substance or mixture of substances that act to disrupt the action of insect hormones interrupting or inhibiting the life cycle of insects.

“Insecticide” means a substance or mixture of substances intended to prevent, destroy, repel or mitigate insects.

Section 3. Prohibition

The following is prohibited in the territorial limits of the Town of Harpswell: A) the use and/or application by any person by any method whatsoever of any Insect Growth Regulator that contains diflubenzuron or tebufenozide; and B) the aerial spraying of any Insect Growth Regulator or Insecticide whose product label indicates that it is harmful to aquatic invertebrates.

Section 4. Random Sampling

Upon the request of the Code Enforcement Officer, any person, firm, or corporation, being the owner of or having control or use of any Harpswell property, shall provide the Town with soil or leaf samples from a location on the property specified by the Code Enforcement Officer in sufficient quantity to permit laboratory testing of the soil or leaf in order to check for the presence of any Insect Growth Regulator that contains diflubenzuron or tebufenozide or any Insect Growth Regulator or Insecticide whose product label indicated that it is harmful to aquatic invertebrates.

Section 5. Violations

A person, firm, or corporation who uses or applies or causes to be used or applied any Insect Growth Regulator or Insecticide in violation of this ordinance shall be fined not less than \$1,000 nor more than \$2,500 for the first violation of this Ordinance. A fine of not less than \$2,501 nor more than \$5,000 shall be levied against any person, firm, or corporation violating this Ordinance for the second and each subsequent violation. Refusal to comply with the Code

Enforcement Officer's sampling request shall result in a fine of not less than \$1,000 and may result in further action by the Town and its Code Enforcement Officer in seeking an administrative inspection warrant for the property.

Section 6. Enforcement

This Ordinance shall be enforced by the Code Enforcement Officer. The Code Enforcement Officer is hereby authorized to institute or cause to be instituted, in the name of the Town, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this Ordinance.

Section 7. Severability

To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Ordinance shall remain valid.